HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 22264 OF 2007

DATE: 23.10.2007

Between:

The Adilabad District Cooperative Marketing Society Limited represented by its Business manager, Adilabad.

...Petitioner

AND

1. The Central Provident Fund Commissioner, Employees Provident Fund Organization and two others.

.....Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 22264 OF 2007

ORAL ORDER:

Heard the learned counsel on record. The matter is coming up for admission today.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents more particularly the action of the 3rd respondent in issuing prohibitory order dated 14.9.2007 demanding the petitioner's Bank to pay the amount of interest and damages on account of belated payment of EPF without considering the representation dated 21.8.2007 requesting to grant instalments, is illegal, arbitrary, unreasonable, unjust, opposed to principles of natural justice and violative of fundamental rights guaranteed under the Constitution of India and consequently direct the third respondent to consider the representation of the petitioner for grant of sufficient instalments for the payment of EPF dues and pass such other order or orders as the Hon'ble Court may deem fit and proper in the interest of justice.

Several facts have been narrated in the affidavit filed in support of the petition. The prohibitory order dated 14.9.2007 had been question on certain grounds. The letter dated 10.12.2004, the reply dated 3.1.2005, the letter dated 19.12.2006, representations dated 21.8.2007, 19.12.2006, the reply-dated 22.5.2007 and the representation dated 27.1.2007 also had been referred to in the affidavit filed in support of the Writ Petition.

In view of the facts and circumstances, this court is of the considered opinion that the writ petition be disposed of directing the second respondent

to consider and dispose of the representation of the petitioner dated 21.8.2007, wherein a request was made to grant instalments, in accordance with law within a period of four weeks from the date of receipt of a copy of this order

Accordingly, the Writ Petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Date: 23.10.2007
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